

International Dolphin Conservation Program Act

In August 1997, Congress passed the International Dolphin Conservation Program Act (IDCPA) in response to the Panama Declaration, an international agreement signed in 1995. The IDCPA primarily amends provisions in the Marine Mammal Protection Act (MMPA) dealing with the eastern tropical Pacific Ocean (ETP) tuna purse seine fishery and the importation of yellowfin tuna and yellowfin tuna products from other nations participating in this fishery.

Key provisions of the Act include:

- Allowing U.S. fishing vessels to participate in the ETP yellowfin tuna fishery on equivalent terms with the flag vessels of other International Dolphin Conservation Program (IDCP) signatory nations;
 - Permitting U.S. citizens crewing on the vessels of other nations in the fishery to incidentally take marine mammals during fishing operations outside the U.S. exclusive economic zone;
 - Requiring the development of an official dolphin-safe mark that could be used to indicate that a tuna product is “dolphin-safe”;
 - Changing the standard for use of dolphin-safe labels for tuna products; and
 - Requiring the development of a domestic tracking and verification program to track tuna harvested from the ETP by U.S. and foreign vessels. The program will track both dolphin-safe and non-dolphin-safe tuna from capture to final sale and is an expansion of the current program for tracking tuna.
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- **Binding International Agreement:** In February 1998, the countries participating in the IDCP successfully negotiated the international Agreement, which is a legally binding instrument for dolphin conservation and ecosystem management in the ETP. The agreement on the IDCP became effective on February 15, 1999, when Mexico, the fourth country, ratified. The United States, Panama, Ecuador, Mexico, El Salvador, Venezuela, Nicaragua, Costa Rica, Honduras, Peru, and Guatemala have ratified the Agreement to date. The IDCPA gives effect domestically to this international dolphin conservation regime.
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- **IDCPA effective date:** On March 3, 1999, the Secretary of State provided the required certification to Congress that the Agreement had been adopted and was in force. Consequently, the IDCPA became effective on that date.
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- **Rules Implementing IDCPA:** On January 3, 2000, NMFS published interim final regulations to implement the IDCPA. On May 30, 2000, NMFS published regulations to designate an official dolphin-safe mark, as required by the Dolphin Protection Consumer Information Act.